

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-v-

ARI TEMAN,

Defendant.

19-CR-696 (PAE)
24-CV-8278 (PAE)

**ORDER DIRECTING
DEFENDANT'S ATTORNEYS
TO FILE AFFIDAVITS AND
DIRECTING THE
GOVERNMENT TO ANSWER**

PAUL A. ENGELMAYER, District Judge:

WHEREAS defendant Ari Teman has petitioned for relief from his conviction pursuant to 28 U.S.C. § 2255 on the ground that his former attorneys, Joseph DiRuzzo, Esq., and Justin Gelfand, Esq., provided ineffective assistance of counsel in connection with Teman's 2020 trial; and

WHEREAS the Court, after reviewing Teman's submission of his informed consent waiver of the attorney-client privilege and his § 2255 petition, is satisfied that the testimony of Mr. DiRuzzo and Mr. Gelfand is needed in order to allow the Government to respond to the motion; and

WHEREAS by making the motion, Teman has waived the attorney-client privilege as a matter of law,

IT IS HEREBY ORDERED that Mr. DiRuzzo and Mr. Gelfand shall give sworn testimony, each in the form of a separate affidavit, addressing in detail the various allegations contained in Teman's § 2255 petition and accompanying memorandum, dated October 30, 2024. *See* 16 Cr. 696, Dkts. 458–59; 24 Civ. 8278, Dkt. 1. Mr. DiRuzzo and Mr. Gelfand may attach

pertinent materials as exhibits to their affidavits. Mr. DiRuzzo and Mr. Gelfand are ORDERED to file their respective affidavits, and attached exhibits, on the docket of this case by **January 31, 2025**.

IT IS FURTHER HEREBY ORDERED that the Government shall file its response by **March 31, 2025**. In addition to addressing Teman's claims, the Government's response should address whether additional testimony (including from Mr. DiRuzzo, Mr. Gelfand, or Teman) and/or discovery (including writings memorializing attorney-client communications) is needed to enable an informed resolution of Teman's claims.

IT IS FURTHER HEREBY ORDERED that Teman shall file his response by **May 5, 2025**.

Absent further order, the Court will consider Teman's petition fully briefed following the filing of Teman's response.

The Clerk of Court is directed to mail a copy of this order to Mr. DiRuzzo and Mr. Gelfand, at the addresses listed on the following page.

To assure this order's prompt receipt, the Court further directs Government counsel forthwith to furnish Mr. DiRuzzo and Mr. Gelfand, by email, with a copy of this order, and to file a letter on the docket attesting that such service has been successfully accomplished.

SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge

Dated: November 26, 2024
New York, New York

By First Class Mail To:

Joseph Andrew DiRuzzo, III
DiRuzzo & Company
401 E Las Olas Blvd #1400
Fort Lauderdale, FL 33301

Justin Gelfand
Margulis Gelfand, LLC
7700 Bonhomme Ave.
Suite 750
Saint Louis, MO 63105